

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

VS.

CRIMINAL NO. 1:10-cr-103-KS
CIVIL ACTION NO. 1:16-cv-361-KS

JERRY LEON ROBINSON

CERTIFICATE OF APPEALABILITY

A final order adverse to the applicant having been filed in the captioned case, in which the Petitioner filed a Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255, the Court considering the record in the case and the requirements of 28 U.S.C. § 2253, Rule 22(b) of the Federal Rules of Appellate Procedure, and Rule 11(a) of the Rules Governing Section 2254 and 2255 Cases in the United States District Courts, hereby finds that:

A Certificate of Appealability should not issue. The applicant has failed to make a substantial showing of the denial of a constitutional right, and the Court finds that the one year statute of limitations for bringing §2255 petitions has run and that Johnson is not applicable to the enhancement because the predicate crimes are clearly defined and are not a part of the residual clause as set forth in Johnson.

SO ORDERED this the 23rd day of February, 2017.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE